

MINUTES
KITTY HAWK TOWN COUNCIL
August 1, 2016
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Longevity Recognitions:
 - Sharon Davenport, Police Administrative Records Technician/20 Years of Service
 - Joel Johnson, Police Chief/15 Years of Service
5. Public Comment
6. Consent Agenda
 - a.) Approval of July 5, 2016 Minutes
 - b.) Request to Purchase Police Vehicle
 - c.) Revised Resolution Requesting State Financial Assistance for Repairs to the Existing Harbor Entrance Jetty and Breakwater System and Maintenance Dredging for the Kitty Hawk Landing Association Harbor Entrance
 - d.) Request to Fill Fire Department Office Assistant/Receptionist Position
 - e.) Amendment to the Town Code. Ch. 20, Sec. 20-51, 20-54, No Parking
 - f.) Amendment to the Town Code. Ch. 24, Sec. 24-53, Windgrass Circle
 - g.) North Carolina Governor's Highway Safety Program Local Governmental Resolution
7. Items Removed from the Consent Agenda
8. Planning
 - a.) Call for Public Hearing/Text Amendment: Applicant proposes to amend Section 42-1 *Definitions* adding a definition for "Therapeutic Residential Treatment Facility and Sec. 42-253(c)6 adding Therapeutic Residential Treatment Facility as a conditional use in the Beach Hotel (BH-1) district. The hearing is requested to be scheduled for September 6, 2016.
 - b.) Call for Public Hearing/Conditional Use Permit: Applicant proposes to establish a therapeutic residential treatment facility at 3512 N. Virginia Dare Trail, should the associated text amendment be approved. The hearing is requested to be scheduled for September 6, 2016.
 - c.) Site Plan Review/Beachwoods Phase 2B: Application for development of Phase 2B of Beachwoods PUD. The proposal consists of seven new buildings, each containing four units.
 - d.) Site Plan Review/Beachwoods Phase 2C: Application for development of Phase 2C of Beachwoods PUD. The proposal consists of four new buildings, each containing four units.
9. New Business
 - a.) Appointment of New Town Attorney
10. Reports/General Comments from Town Manager

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11. Reports/General Comments from Town Attorney
 - a.) Beach Nourishment Easement Update
12. Reports/General Comments from Town Council
13. Public Comment
14. Adjourn

COUNCILMEMBERS PRESENT:

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilman Ervin Bateman, Councilwoman Lynne McClean and Councilman Jeff Pruitt

STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Finance Officer Liliana Noble, Town Planner Rob Testerman, Police Chief Joel Johnson, Fire Chief Lowell Spivey and Public Works Director Willie Midgett

1. CALL TO ORDER

Mayor Perry called this meeting to order at 6 PM and announced before he calls for a moment of silence he wants to let the audience know a public hearing will not be held for a treatment facility going in the Buccaneer Hotel, only a call to schedule one. If someone cannot attend the meeting in September comments may be made during either of the public comment sections during this meeting.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Following a moment of silence the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

MPT Garriss made a motion, seconded by Councilwoman McClean, to approve the agenda. The vote was unanimous, 5-0.

4. LONGEVITY RECOGNITIONS:

- Sharon Davenport, Police Administrative Records Technician/20 Years of Service
- Joel Johnson, Police Chief/15 Years of Service

Chief Johnson presented a plaque to Ms. Davenport and Manager Stewart presented a plaque to the chief. Mayor Perry thanked them for their years of service.

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5. PUBLIC COMMENT

No one came forward to speak.

6. CONSENT AGENDA

- a.) Approval of July 5, 2016 Minutes. *(An affirmative vote for the consent agenda will approve these minutes.)*
- b.) Request to Purchase Police Vehicle. The police chief is requesting the release of budgeted CIP funds in the amount of \$27,000 to purchase and outfit a 2016 Ford Taurus sedan. It will replace a 2008 Ford Crown Victoria and meets the vehicle replacement policy. *(An affirmative vote for the consent agenda will approve this request.)*
- c.) Revised Resolution Requesting State Financial Assistance for Repairs to the Existing Harbor Entrance Jetty and Breakwater System and Maintenance Dredging for the Kitty Hawk Landing Association Harbor Entrance. In December 2015 the council adopted this resolution to sponsor the association's application for a grant from the NC Department of Environmental Quality. The original grant submission was \$115,000 or 50% of the project construction cost, whichever is the lesser amount. In July 2016 the Town received notification that the project is eligible for \$153,333 or 66 2/3% of project construction cost, whichever is the lesser amount. Town staff will assist the Kitty Hawk Landing Association and its staff in this project and will enter into an agreement with the association requiring the association to be financially responsible for the non-state provided cost of this project. *(An affirmative vote for the consent agenda will approve this resolution.)*
- d.) Request to Fill Fire Department Office Assistant/Receptionist Position. The current OA/R is resigning 8/12/16. Staff would like to advertise and fill the position (Grade 55). *(An affirmative vote for the consent agenda will approve this request.)*
- e.) Amendment to the Town Code. Ch. 20, Sec. 20-51, 20-54. This amendment will make both sides of Luke Street, from the intersection of Lindbergh Avenue west to US 158, a "no parking" area. *(An affirmative vote for the consent agenda will approve this amendment.)*
- f.) Amendment to the Town Code. Ch. 24, Sec. 24-53. Change Opening Time for Windgrass Circle Park. The current time to open and close the park is 9 a.m. until sunset. The other parks in Town are open from sunrise to sunset and this ordinance will allow consistent operating hours for all the parks. *(An affirmative vote for the consent agenda will approve this amendment.)*
- g.) North Carolina Governor's Highway Safety Program Local Governmental Resolution. This \$20,000 "no match" grant from the GHSP will assist the police department's GHSP Region 1 Law Enforcement Liaison, Sgt. Strickland, with travel for meetings and seminars. The remainder of the money will be used to purchase approved traffic safety equipment. *(An affirmative vote for the consent agenda will approve this grant.)*

MPT Garriss made a motion to approve the consent agenda. It was seconded by Councilman Bateman and passed unanimously, 5-0.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

8. PLANNING

a.) Call for Public Hearing/Text Amendment: Applicant proposes to amend Section 42-1 Definitions adding a definition for "Therapeutic Residential Treatment Facility and Sec. 42-253(c)6 adding Therapeutic Residential Treatment Facility as a conditional use in the Beach Hotel (BH-1) district. The hearing is requested to be scheduled for September 6, 2016.

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Councilman Pruitt made a motion to set a public hearing at the Town Council meeting on September 6, 2016 to consider the proposed text amendments of Section 42-1, Definitions and 42-253(c)6 conditional uses, BH-1. The motion was seconded by Councilwoman McClean and passed unanimously, 5-0.

b.) Call for Public Hearing/Conditional Use Permit: Applicant proposes to establish a therapeutic residential treatment facility at 3512 N. Virginia Dare Trail, should the associated text amendment be approved. The hearing is requested to be scheduled for September 6, 2016.

MPT Garriss made a motion to set a public hearing at the Town Council meeting on September 6, 2016 to consider a Conditional Use Permit application to allow a therapeutic residential treatment facility to be located at 3512 North Virginia Dare Trail. Following a second by Councilwoman McClean the motion passed unanimously, 5-0.

c.) Site Plan Review/Beachwoods Phase 2B: Application for development of Phase 2B of Beachwoods PUD. The proposal consists of seven new buildings, each containing four units.

Planner Testerman reviewed the following staff analysis with council.

Proposal

The applicant is requesting site plan approval for the proposed development of Phase 2B in the previously approved PUD, now known as Beachwoods, located at 1 Cypress Knee Trail. The property is located within the PUD with an underlying zoning of BR-3, high density beach residential. This phase was previously approved in the masterplan for 28 units, and 70 bedrooms.

The applicant has reconfigured certain aspects of the previously approved masterplan. Phase 2B still is proposed to contain 28 units, but the current proposal calls for 72 bedrooms. As discussed during the previous Phase 2A review, the overall number of units and bedrooms for Beachwoods as a whole remains the same. The overall density of the development remains unchanged, and as was approved in the master plan.

This proposal is for seven new buildings, each containing four units, with a mixture of four and two bedroom units. The proposal also calls for a new access drive to be cut off of Cypress Knee Trail, which will also contain the parking for the new phase.

Background Information

The overall site is 118 acres in size and presently zoned Planned Unit Development (PUD)/High-density beach residential (BR-3). The portion of the property in which this phase is proposed is currently undeveloped.

The abutting property to the west is the Kitty Hawk Woods. The adjoining property to the east is the Sea Scape Golf Course, zoned BR-1. To the south of the subject parcel is the Sea Scape Section 2 subdivision, also zoned BR-1. To the north of the subject parcel is also a part of the Beachwoods development, zoned PCD/BC-3, as well as the Shoreside Shopping Center further north, zoned BC-3.

Staff Analysis

Proposed Use: Multi-family dwellings, a use permitted by right.

Lot Area: The subject parcel is 118 acres in size. The size of the property exceeds the minimum PUD size of 10 acres. The area of Phase 2B is 4.7 acres in size.

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Lot Coverage: Previously approved lot coverage for Phase 2B, in the original master plan was 82,328 sq. ft., the current proposal shows 70,421 sq. ft. of lot coverage, which is 34.4% of the area of Phase 2B. Although the coverage exceeds 30% for the area of this phase, the lot coverage, looking at the entirety of the Beachwoods Development will remain below the maximum of 30%.

Open Space: As proposed, Phase 2B area would have 65.6% open space within that phase.

Building Height: The maximum height in the PUD district is thirty-five feet (35') from original grade to the peak of the roof, excluding chimneys, flagpoles, communication masts and aerals. This will be verified when building permits are applied for.

Access: Access to Phase 2B will be provided via two new curb cuts onto Cypress Knee Trail and a drive aisle through the phase.

Parking: The minimum number of parking spaces are calculated below:

<u>Parking Calculations</u>	<u>Size</u>	<u># Required Spaces</u>
Multi-family development	1/bedroom	72 spaces

The site plan shows 72 spaces on the site, which exceeds the minimum required. ADA standards require a minimum of three (3) handicapped accessible parking spaces, including one van accessible space to serve this property. This requirement is satisfied by the five proposed ADA van accessible spaces.

Buffer: The PUD district requires a 50 foot minimum buffer from any PUD exterior boundary which abuts residentially zoned land. With a minimum distance from the nearest building to the western boundary of 114 feet, and a distance of 112 feet from the nearest parking area, the proposal is consistent with this requirement.

Waste Management: The site will be served by a permanent dumpster, with a 12'x14' concrete dumpster pad, screened with a 6' tall fence.

Lighting: A lighting plan, in accordance with Section 42-515 and 42-390(11) will be reviewed and approved administratively prior to installation of any new outdoor lighting.

Signs: No additional signage is proposed, aside from a new stop sign, handicapped parking space signs and a street sign.

Wastewater Disposal: Approval from the health department will be required prior to issuance of any building permits.

Flood Zone: Phase 2B is in a mixture of the Shaded X zone and an AE flood zone. Those buildings within the AE zone will be required to meet the flood zone standards.

Fire Hydrants: The PUD ordinance dictates that no portion of a building shall be farther than 250 feet from nor closer than 50 feet to a fire hydrant. The proposed configuration of three new hydrants meets this requirement.

Land Use Plan

The Town of Kitty Hawk's adopted CAMA Land Use Plan designates the subject property as a "Higher Density Residential Area" on the future land use map. The proposed development of additional multi-family units in the Beachwoods development is consistent with this designation in the land use plan.

Recommended Conditions

- Revised Stormwater Permit shall be obtained and provided to the Town prior to issuance of building permits.
- A revised Erosion and Sediment Control plan to be submitted and approved by the Town prior to any land disturbing activities take place.
- Health department approval for the increased usage on the wastewater system to be provided to the Town prior to issuance of any building permit.

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Planning Board Recommendation

At its July 14, 2016 meeting, the Planning Board voted unanimously to recommend approval of the proposed site plan for Beachwoods Phase 2B.

Mayor Perry asked the planner to arrange permission for councilmembers to visit gated communities when there is site work involved. Planner Testerman said he would be happy to do so.

Councilman Bateman made a motion to grant approval of the site plan for the proposed phase 2B of the Beachwoods development located at 1 Cypress Knee Trail subject to conditions listed on the staff report. The Town Council finds the plan is consistent with CAMA Land Use Plan. Councilwoman Klutz made a second and the motion passed unanimously, 5-0.

d.) Site Plan Review/Beachwoods Phase 2C: Application for development of Phase 2C of Beachwoods PUD. The proposal consists of four new buildings, each containing four units.

Testerman reviewed the following staff report with council.

The applicant is requesting site plan approval for the proposed development of Phase 2C in the previously approved PUD, now known as Beachwoods, located at 1 Cypress Knee Trail. The property is located within the PUD with an underlying zoning of BR-3, high density beach residential. This phase was previously approved in the masterplan for 16 units, and 40 bedrooms. The current proposal remains at 16 units, and 40 bedrooms.

This proposal is for four new buildings, each containing four units, with a mixture of four and two bedroom units. The proposal also calls for a new access drive to be cut off of Cypress Knee Trail, which will also contain the parking for the new phase.

Background Information

The overall site is 118 acres in size and presently zoned Planned Unit Development (PUD)/High-density beach residential (BR-3). The portion of the property in which this phase is proposed is currently undeveloped.

The abutting property to the west is the Kitty Hawk Woods. The adjoining property to the east is the Sea Scape Golf Course, zoned BR-1. To the south of the subject parcel is the Sea Scape Section 2 subdivision, also zoned BR-1. To the north of the subject parcel is also a part of the Beachwoods development, zoned PCD/BC-3, as well as the Shoreside Shopping Center further north, zoned BC-3.

Staff Analysis

Proposed Use: Multi-family dwellings, a use permitted by right.

Lot Area: The subject parcel is 118 acres in size. The size of the property exceeds the minimum PUD size of 10 acres. The area of Phase 2C is 2.3 acres in size.

Lot Coverage: Lot coverage shown on the current proposal shows 37,958 sq. ft. of lot coverage, which is 37.9% of the area of Phase 2C. Although the coverage exceeds 30% for the area of this phase, the lot coverage, looking at the entirety of the Beachwoods Development will remain below the maximum of 30%.

Open Space: As proposed, Phase 2C area would have 62.1% open space within Phase 2C.

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Building Height: The maximum height in the PUD district is thirty-five feet (35') from original grade to the peak of the roof, excluding chimneys, flagpoles, communication masts and aerals. This will be verified when building permits are applied for.

Access: Access to Phase 2C will be provided via one new curb cut onto Cypress Knee Trail and a drive aisle through the phase. At the end of the drive aisle is a proposed "hammerhead" turnaround for emergency vehicles.

Parking: The minimum number of parking spaces are calculated below:

<u>Parking Calculations</u>	<u>Size</u>	<u># Required Spaces</u>
Multi-family development	1/bedroom	40 spaces

The site plan shows 40 spaces on the site, which exceeds the minimum required. ADA standards require a minimum of two (2) handicapped accessible parking spaces, including one van accessible space to serve this property. This requirement is satisfied by the two proposed ADA spaces, one of which is van accessible.

Buffer: The PUD district requires a 50 foot minimum buffer from any PUD exterior boundary which abuts residentially zoned land. The adjacent property to the south is the residentially zoned Sea Scape Section 2. The nearest proposed structure to the property line is 61.43 feet from the line, the "hammerhead" turnaround is proposed to be 50 feet from the property line, which meets the minimum requirement.

Waste Management: The site will be served by a permanent dumpster, with a 12'x14' concrete dumpster pad, screened with a 6' tall fence.

Lighting: A lighting plan, in accordance with Section 42-515 and 42-390(11) will be reviewed and approved administratively prior to installation of any new outdoor lighting.

Signs: No additional signage is proposed, aside from a new stop sign, handicapped parking space signs and a street sign.

Wastewater Disposal: Approval from the health department will be required prior to issuance of any building permits.

Flood Zone: Phase 2C is in a mixture of the Shaded X zone and an AE flood zone. Those buildings within the AE zone will be required to meet the flood zone standards.

Fire Hydrants: The PUD ordinance dictates that no portion of a building shall be farther than 250 feet from nor closer than 50 feet to a fire hydrant. The proposed configuration of one new hydrants meets this requirement.

Land Use Plan

The Town of Kitty Hawk's adopted CAMA Land Use Plan designates the subject property as a "Higher Density Residential Area" on the future land use map. The proposed development of additional multi-family units in the Beachwoods development is consistent with this designation in the land use plan.

Recommended Conditions

Revised Stormwater Permit shall be obtained and provided to the Town prior to issuance of building permits.

A revised Erosion and Sediment Control plan to be submitted and approved by the Town prior to any land disturbing activities take place.

Health department approval for the increased usage on the wastewater system to be provided to the Town prior to issuance of any building permit.

Planning Board Recommendation

At its July 14, 2016 meeting, the Planning Board voted unanimously to recommend approval of the proposed site plan for Beachwoods Phase 2C.

Hearing no questions or comments, **MPT Garriss made a motion to grant approval of this site plan for the proposed Phase 2C of the Beachwoods development located at 1 Cypress Knee**

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Trail subject to the conditions listed in the staff report. The Town Council finds that the plan is consistent with the CAMA Land Use Plan. The motion was seconded by Councilman Bateman and it passed unanimously, 5-0.

9. NEW BUSINESS

a.) Appointment of New Town Attorney

Mayor Perry asked Attorney Varnell to introduce himself.

Attorney Varnell said he works for the law firm of what was Sharp, Michael, Graham and Baker and is now, since Steve Michael retired, Sharp, Graham and Baker. Attorney Michael groomed him for this position and he is thrilled to have the opportunity to work with everyone.

10. REPORTS/GENERAL COMMENTS FROM TOWN MANAGER

Manager Stewart gave the following updates:

Public Works:

The public works department has mowed the rights-of-way on US 158. Most of the time DOT is busy and cannot schedule mowing as often as we would like it.

The crosswalks on Virginia Dare Trail have been refreshed. DOT plans on resurfacing the road and did not want to put a lot of money into something that is going to be torn up soon. They gave the Town permission to paint the stripes.

Ocean Rescue:

Once the season is over a report on what Ocean Rescue did for the Town will be given. Such things as how many have been rescued and what issues they ran into. They will be recognized at a future council meeting.

Police Department:

Copies of thank you letters about the Town's police officers have been given to council. People are writing about the good job they do.

Finance Department:

Work is being done on the final numbers for the last fiscal year. There are preliminary numbers and a brief report will be submitted soon.

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Manager Stewart concluded his report by welcoming Attorney Varnell.

Mayor Perry said there has been a request to put a lifeguard stand at the Lillian Street beach access and he asked the manager to bring that up to council during the budget discussion next year.

11. REPORTS/GENERAL COMMENTS FROM TOWN ATTORNEY

a.) Beach Nourishment Easement Update

Attorney Varnell reported there has been positive progression in the past few weeks concerning the beach nourishment easements. Seven signatures are needed out of approximately two hundred. Also, the required notices for the condemnations have been prepared for those that will not sign an easement.

Mayor Perry reiterated the word condemnation has to be used because it is the technical term of what the Town has to do but all that is wanted is permission to gain access to property so equipment can put sand on the beach. The Town is not trying to take anybody's property and keep it.

Attorney Varnell added it is also temporary in nature. The Town only needs to get access to enough of the dry sand beach as is needed to facilitate this project.

12. REPORTS/GENERAL COMMENTS FROM TOWN COUNCIL

Councilman Pruitt thanked staff for the work they are doing during this busy month and thanked Joel for his fifteen years of service and Sharon for her twenty years. He added it is nice to have employees that stay with the Town and get to know the community.

Councilwoman McClean thanked the public work employees for painting the crosswalks and thanked the police officers for keeping everyone safe. She thanked staff for the good work they do. It makes her proud to be a part of Kitty Hawk.

Councilman Bateman said there is not a day that goes by that he does not see everyone working hard. He congratulated Joel and Sharon and said when he telephones the police station it is usually Sharon that answers his call and questions. He appreciates what everybody does for the Town.

Mayor Pro Tem Garriss thanked the public works department for getting the grass cut in a timely manner. He told Attorney Varnell he has some big shoes to fill and thinks he will fit in very well with the Town.

Mayor Perry said there is positive feedback about the police officers directing traffic. It has been an effort for the police departments and everyone is working hard to try to make sure it will continue until the mid-Currituck bridge is built, or forever, whichever comes first.

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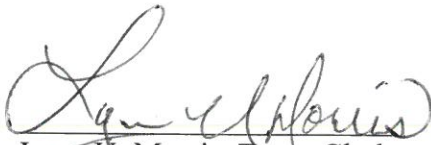
13. PUBLIC COMMENT

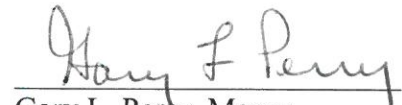
There were no public comments.

14. ADJOURN

MPT Garriss made a motion to adjourn. It was seconded by Councilwoman McClean and approved unanimously, 5-0. Time was 6:26 p.m.

These minutes were approved at the September 6, 2016 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor